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PATENT
ATTORNEY DOCKET NO.: 047763-5014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|-----------------------|
| In re Application of: |) | |
| |) | |
| Dirk OSTERMANN et al. |) | Confirmation No. 2043 |
| |) | |
| Application No. :09/509,215 |) | Group Art Unit: 2856 |
| |) | |
| Filed: February 7, 2001 |) | Examiner: T. Noland |
| |) | |
| For: APPARATUS FOR REMOVING A SAMPLE) |) | |
| FROM AN ARRAY OF SAMPLES AND A) |) | |
| CUTTING TOOL FOR USE WITH THAT) |) | |
| APPARATUS) |) | |

Commissioner for Patents
MAIL STOP Amendment
Randolph Building
Customer Window
401 Dulany Street
Arlington, VA 22314

Sir:

03/24/2005 MBEYENE1 00000080 500310 09509215

01 FC:1252

450.00 DA

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated October 22, 2004.
2. Additional papers enclosed:
 - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input checked="" type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> three months | \$ 1,020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1,590.00 | \$ 795.00 |
| <input type="checkbox"/> five months | \$ 2,160.00 | \$ 1,080.00 |

Extension of time fee due with this request: \$450.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 7 | minus | 20 | ? | x \$50 each= | + \$0 |
| Independent Claims (37 C.F.R. §1.16(b)) | 2 | minus | 2 | ? | x \$200 each= | + \$0 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$360.00 | + \$ |
| SUB-TOTAL = | | | | | | \$0 |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$0 |

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 22, 2005

By: 

Mark J. Sullivan
Reg. No. 54,478

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